

Application No.: 09/976,019

Docket No. D02363

REMARKS**A. Status of the Application**

Claims 1-55 were originally filed with this application. Applicant previously elected to withdraw Claims 19-43, 48 and 49 from consideration.

The Examiner accepted the drawings submitted by the Applicant on October 15, 2005, and has rejected pending Claims 1-18, 44-47, 50 and 52-55.

With this response the Applicant has requested the amendment of Claims 1, 15, 44 and 51, the cancellation of claims 13, 14, 16-18 and 53. Applicant has also presented new Claim 56 for consideration.

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B. Rejections of the Claims under 35 U.S.C. § 102

The Examiner rejected claims 1-5, 10-18, 44-46 and 50-55 as being anticipated under 35 U.S.C. § 102(e) by U.S. Patent No. 6,867,820 ("Jin"). Applicant has requested the cancellation of Claims 13, 14, 16-18 and 53 with this response. Consequently, the discussion of the rejections under 35 U.S.C. § 102(e) will be limited to Claims 1-5, 10-12, 15, 44-46, 50-52 and 54-55.

With respect to Claims 1 and 44 the Examiner contended that Jin taught a terminal for optimizing reproduction of an audio signal that had source characteristic data and was transmitted through a delivery channel. The Examiner also noted that his analysis of the Jin found the receiver, memory and processor the Applicant had claimed in Claims 1 and 44.

Applicant fully appreciates the Examiner's arguments, and has made appropriate amendments to independent Claims 1 and 44 with this response. These amendments are believed to more accurately claim the Applicant's invention as it was described and disclosed in the originally filled specification. Applicant wishes to call the Examiner's attention to the terms highlighted below in amended Claim 1:

1. (presently amended) *A terminal for optimizing audio equipment for the reproduction of an audio signal* that has source characteristic data and that is transmitted through a delivery channel, comprising:
a receiver that receives the audio signal and the source characteristic data;
a memory that stores the source characteristic data and delivery channel capability data;
a processor that generates optimized configuration data for reproducing the audio signal based on the source characteristic data, the delivery channel capability data and audio equipment data; and
a control interface that couples the terminal with the audio equipment, wherein the processor generates the optimized configuration data based on the audio equipment data, and wherein the optimized configuration data is transmitted through the

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control interface to the audio equipment *so as to automatically, without any user input, configure the audio equipment based on the optimized configuration data.*

As the Applicant fully discussed in the originally filed specification, “[t]he present invention is directed to a method and system for automatically configuring a user’s listening environment for optimal sound reproduction” (col. 1, lines 6-8). This feature of the instant invention is discussed further in paragraph 29:

[0029] A digital interface or fully-integrated audio processing circuitry provides the potential for the most complete automation in the inventive system by allowing the receiver to automatically sense which speakers and what equipment is connected to the terminal at any given time. *In this type of system, the processing modes of the user's audio equipment 116 would be automatically configured and switched as the service changes, making the equipment configuration task a seamless part of program changes or changing channels.* For example, when a signal containing the audio configuration information travels through the delivery channel to the terminal 100 and control interface 114, the control interface 114 automatically communicates the audio configuration information in the program guide for the selected service to the user's audio equipment 116 (e.g., audio-visual receiver, digital television, speakers, sub-woofers, etc.). *The audio equipment 116 then responds to the audio configuration information and configures itself according to the information, with no manual adjustment by the user. (emphasis added)*

The Applicant believes that with the presently requested amendments, Claim 1 and Claim 44 now more clearly define the invention, and very clearly distinguish themselves from Jin. There is no mention in Jin of automatically configuring an audio system. Rather, Jin provides for a user interface that which displays usable audio menus that enable a user to control

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particular equipment settings applicable to the type of media being played or viewed (such as AC-3 or 5.1 channel audio – see col. 7, line 56 – col. 8).

With the amendment of Claims 1 and 44, Applicant believes that the Examiner's rejection under 35 U.S.C. § 102(e) of Claims 1 and 44 (as well as Claims 2-4 and 10-12 which depend upon Claim 1, and Claims 45, 46, 50-52 and 54-55 which depend upon Claim 44) are overcome. Reconsideration of these claims is respectfully requested.

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C. Rejections of the Claims under 35 U.S.C. § 103

The Examiner rejected claims 6-9 and 47 as being unpatentable under 35 U.S.C. § 103(a) over Jin.

Claims 6-9 depend from Claim 1, which as discussed above has been amended so that it is clearly not anticipated by Jin. With the new limitations of Claim 1, Applicant believes that Claims 6-9 cannot be viewed as obvious in view of Jin. As discussed above, Jin only provides for a user interface that which displays usable audio menus that enable a user to control particular equipment settings applicable to the type of media being played or viewed. There is no mention in Jin of automatically configuring an audio system. As claims 6-9 require such automatic configuration, nothing in Jin would effectively make them obvious.

Similarly, Claim 47, which depends upon amended claim 44, is also not obvious in light of Jin.

Reconsideration of all of these claims is requested.

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D. Newly presented claims

The Applicant has submitted new Claim 56:

56. The method of claim 44, wherein the audio data is retrieved from a memory.

This claim is subject to all the limitations of Claim 44, and is therefore believed to be readily and patentably distinguishable from Jin.

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CONCLUSION

The presently amended claims are believed to patentably distinguishable from the cited art, and Applicant respectfully requests that they be passed to allowance. Should any issues arise that prevent early allowance of the above application, the examiner is invited contact the undersigned to resolve such issues.

To the extent an extension of time is needed for consideration of this response, Applicant hereby request such extension and, the Commissioner is hereby authorized to charge deposit account number 502117 for any fees associated therewith.

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